

Notice of Allowability

Application No.

09/910,650

Examiner

Philip J. Chea

Applicant(s)

HLASNY, DARYL

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an Appeal Brief filed 11/2/06.
2. ☒ The allowed claim(s) is/are 17-21 and 23-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 9/11/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kurt Rohlf's 54,405 on 1/10/07.

The application has been amended as follows: Please see attached.

2. The following is an examiner's statement of reasons for allowance: The prior art does not disclose nor render obvious each limitation of claim 17. The closest prior art Traversat et al. (US 2002/0147771) shows a peer to peer network where a user wishing to search other peers' devices for music files sends a request through a music request service causing each peer to search their own respective devices and each sending a response back to the request originator. However, Applicants invention further includes the limitations of transmitting a transfer availability query to a device that is a location of the object identified by the a user; receiving a response to the transfer query including a measure of availability of a device to transfer the object; and selecting as the source device a responding device maximizing the measure of availability; wherein the measure of availability included in the response to the transfer query comprises a measure of data transfer throughput. Applicants specification on page 8, lines 22-29 details the measure of availability concerning a ranking of potential sources according to download throughput, device availability, and the portion of the object that is available at the device.

IN THE CLAIMS:

1-16(canceled).

17(currently amended). A method of transferring an object from a source device to a destination device over an ad hoc network comprising at least one piconet, said method comprising the steps of:

- (a) transmitting a page message on a communication channel of said ad hoc network, wherein said ad hoc network is free from including a central server;
- (b) including an address of a device responding to said page message in a device list;
- (c) transmitting an object search and transfer service query to a device identified in said device list;
- (d) including an address of a data processing device responding to said object search and transfer service query in a list of devices facilitating a search and transfer of a data object;
- (e) transmitting a search request including a user specified search parameter to a data processing device identified in said list of devices facilitating a search for and transfer of a data object, said identified data processing device capable of searching for said object on responding said devices over a communication channel of said ad hoc network;
- (f) receiving a response to said search request from a data processing device identifying a data object having a relation to said search parameter;
- (g) transmitting a transfer availability query to a device that is a location of said object identified by a user;

- (h) receiving a response to said transfer query including a measure of availability of a ~~device~~ device to transfer said object, said measure of availability comprising a measure of data transfer throughput;
- (i) selecting as said source device a responding device maximizing said measure of availability;
- (j) transmitting to said source device a request to transfer said object; and
- (k) receiving said destination device data of said object transferred over said communication channel.

18. The method of claim 17 further comprising the step of displaying to a user an object identifier of said data object identified in said response to said search request.

19. The method of claim 17 wherein said response to said search request comprises an object name associated with a data object having a relation to said search parameter.

20. The method of claim 17 wherein said response to said search request includes a unique object identifier associated with a data object having a relation to said parameter.

21. The method of claim 17 wherein said response to said search request comprises an address of another device on which said data object is located.

22(canceled).

23. The method of claim 17 wherein the step of receiving at said destination device data of said object transferred over said communication channel comprises the steps of:

- (a) receiving a portion of said data of said object and an identifier of said portion of said data; and
- (b) preserving said identifier of said portion of said data

24. The method of claim 17 further comprising the steps of:

- (a) identifying a portion of said object not transferred to said destination device from said source device;
- (b) identifying another source device having another portion of said object that has not been transferred to said destination device; and
- (c) requesting transfer of said another portion of said object from said another source device to said destination device.

25. The method of claim 24 wherein the step of identifying a portion of said object not transferred to said destination device from said source device comprises the steps of:

- (a) including with data of said object a measure of quantity of data comprising said object; and
- (b) comparing a measure of said data received by said destination device to said measure of said quantity of data comprising said object.

26. The method of claim 25 wherein the step of including with data of said object a measure of quantity of data comprising said object comprises the step of including with an object a total number of bytes of data for an object comprises an ordered sequence of said bytes of data.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 6:30-4:00 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Philip J Chea
Examiner
Art Unit 2153

PJC 1/16/07


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